

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

G.R., by his next friend, CHERYL WINNEY,
and the WASHINGTON PROTECTION
AND ADVOCACY SYSTEM,

Plaintiffs,

v.

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES;

ROBIN ARNOLD WILLIAMS, in her official
capacity as Secretary for the State of
Washington Department of Social and Health
Services; and

LINDA ROLFE, in her official capacity as the
Director of the Division of Developmental
Disabilities,

Defendants.

Case No. C05-5420

ORDER ON TEMPORARY
RESTRAINING ORDER AND SETTING
HEARING ON PRELIMINARY
INJUNCTION

THIS MATTER comes on before the above-entitled Court upon Plaintiffs' Motion for a Temporary Restraining Order.

Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Plaintiffs, a developmentally disabled individual who resides at Western State Hospital (hereinafter "G.R.") and the Washington Protection and Advocacy System ("WPAS") seek a temporary restraining order to enjoin defendants from taking any further action to terminate G.R.'s eligibility to receive services and

1 benefits from the Division of Developmental Disabilities ("DDD") and to toll the time running for G.R. to
2 appeal the termination of his benefits. The record reflects that plaintiffs and defendants have been in
3 communication regarding the issues before the Court in this motion and the defendants were informed that
4 plaintiffs would be seeking a temporary restraining order. See Dorfman Decl. Exhs. 6, 7 and 8. Because "the
5 existence of serious questions going to the merits and the balance of hardships tipping in [the movant's]
6 favor[]" *Diamontiney v. Borg*, 918 F.2d 793, 795 (9th Cir. 1990), the Court hereby issues a temporary
7 restraining order which temporarily enjoins the defendants from:

- 8 1. taking any further actions to terminate G.R.'s eligibility to receive services from DDD; and
- 9 2. tolls the time running for G.R.'s appeal of the termination of DDD benefits.

10 The Court will hear oral argument on plaintiffs' motion for a preliminary injunction on July 6, 2005 at
11 9:30 a.m. Defendants shall file a response to the motion on or before June 29, 2005 and plaintiffs shall file a
12 reply on or before 12:00 p.m. on July 5, 2005. The plaintiffs shall immediately notify the defendants of the
13 issuance of this temporary restraining order and the briefing schedule and hearing set forth herein.

14 **IT IS SO ORDERED.**

15 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
16 pro se.

17 Dated this 22nd day of June, 2005.

18
19 
20 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE